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A bill to be entitled

An act relating to seaport security; amending s. 311.12, F.S.; requiring that the Department of Law Enforcement establish a waiver process to allow an individual, who is otherwise unqualified, to be allowed unescorted access to a seaport or restricted access area; requiring the administrative staff of the Parole Commission to review the facts of the waiver application and transmit the findings to the Department of Law Enforcement; requiring the department to make a final disposition of the application and notify the applicant and the port authority that denied employment to the applicant; exempting the review from ch. 120, F.S.; providing an effective date

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (e) is added to subsection (3) of section 311.12, Florida Statutes, to read:

311.12 Seaport security standards.--
(3)

(e) The Department of Law Enforcement shall establish a waiver process to allow unescorted access to an individual who is found to be unqualified under paragraph (c) and denied employment by a seaport. The waiver consideration shall be based on the circumstances of any disqualifying act or offense, restitution made by the individual, and other factors from which it may be determined that the individual does not pose a risk of engaging in theft, drug trafficking, or terrorism within the public seaports regulated under this chapter or of harming any person.

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30 The waiver process shall begin when an individual who has been
31 denied initial employment within or regular unescorted access to
32 restricted areas of a public seaport as described in paragraph
33 (c) submits an application for a waiver and notarized letter or
34 affidavit from the individual's employer or union representative
35 which states the mitigating reasons for initiating the waiver
36 process. No later than 90 days after receipt of the application,
37 the administrative staff of the Parole Commission shall conduct a
38 factual review of the waiver application. Findings of fact shall
39 be transmitted to the Department of Law Enforcement for review.
40 The department shall make a copy of those findings available to
41 the applicant before final disposition of the waiver request. The
42 department shall make a final disposition of the waiver request
43 based on the factual findings of the investigation by the Parole
44 Commission. The port authority that originally denied employment
45 and the waiver applicant shall be notified of the final
46 disposition of the waiver application by the department. This
47 review process is exempt from chapter 120.

48 Section 2 This act shall take effect July 1, 2006.